

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BRADLEY LEE HINES,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-01842-JPH-MJD
)	
2 CONNERSVILLE POLICEMAN,)	
)	
Defendant.)	

ORDER

I. Granting *in forma pauperis* status

Mr. Hines' renewed motion to proceed *in forma pauperis*, dkt. [9], is **GRANTED**. See 28 U.S.C. § 1915(a). While *in forma pauperis* status allows Mr. Hines to proceed without prepaying the filing fee, he remains liable for the full fees. *Ross v. Roman Catholic Archdiocese of Chicago*, 748 F. App'x 64, 65 (7th Cir. Jan. 15, 2019) ("Under 28 U.S.C. § 1915(a), a district court may allow a litigant to proceed 'without *prepayment* of fees,' . . . but not without *ever* paying fees."). No payment is due at this time.

II. Screening

A. Screening standard

The Court has the inherent authority to screen Mr. Hines' complaint. *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999) ("[D]istrict courts have the power to screen complaints filed by all litigants, prisoners and non-prisoners alike, regardless of fee status."). The Court may dismiss claims within a

complaint that fail to state a claim upon which relief may be granted. *See id.*

In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017).

To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). *Pro se* complaints are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

B. Complaint

Mr. Hines alleges that two police officers assaulted him in August 2019. Dkt. 1. After a family dispute, Connersville police arrived at Mr. Hines' house to arrest him. *Id.* According to Mr. Hines, they "scooped [him] up[,] . . . slammed [him] headfirst into the concrete sidewalk[,] . . . broke [his] left eye socket[,] crushed [his] nose, [and] ripped a muscle in [his] left shoulder. *Id.* He now has a chance of blindness in his left eye, his "neck hurts," and he "was going crippled" until he saw a chiropractor. *Id.* Mr. Hines seeks \$3 million and termination of the officers involved. *Id.* at 2.

C. Analysis

Liberally construed, *Perez*, 792 F.3d at 776, Mr. Hines seeks damages from "2 Connersville Policemen" under 42 U.S.C. § 1983, plausibly alleging excessive force in violation of the Fourth Amendment. *See* *dk*. 1. However, Mr. Hines has not named these officers. *Id.* "[I]t is pointless to include . . . anonymous defendants in federal court; this type of placeholder does not open the door to relation back under Fed. R. Civ. P. 15, nor can it otherwise help the plaintiff." *Wudtke v. Davel*, 128 F.3d 1057, 1060 (7th Cir. 1997). Without a defendant, the Court cannot grant relief to Mr. Hines.

If Mr. Hines learns the names of the unknown defendants, then he must amend his complaint. For now, the complaint must be **DISMISSED** for failure to state a claim upon which relief can be granted unless Mr. Hines files an amended complaint that remedies this defect.

Mr. Hines shall have through **October 16, 2020** to show cause why judgment consistent with this entry should not issue. *See Thomas v. Butts*, 745 F.3d 309, 313 (7th Cir. 2014) (Court must "first fir[e] a warning shot" before dismissing a complaint). The **clerk is directed** to include a form civil rights complaint with Mr. Hines' copy of this order.

SO ORDERED.

Date: 9/15/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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